

Notice of Allowability

Application No.

09/882,472

Applicant(s)

RUBACK ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/5/07.
2. ☒ The allowed claim(s) is/are 1-4,6,14-17,19 and 26-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

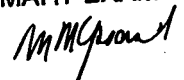
Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**MICHAEL OPSASNICK
PRIMARY EXAMINER**

mno
AU2626



DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4,6,14-17,19,26-30 are allowed over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

As per the independent claims, the claim recitations pertaining to the decision to use a local or a remote processing location can defer to a preference specified in the grammar itself, while being subject to a determination that the preference is not contrary to the feedback requirements of the speech processing system, is not explicitly taught by the prior art of record.

As per the prior art of record, Dragosh (6604077) teaches the location of the grammar to be chooseable (local or remote), but however, does not explicitly teach determining at the client side to perform the process at a server. White et al (6408272) teaches the evaluation of speech processing capability at the local device, and based upon performance determination, transfers the speech processing to a remote device when the local device cannot handle the speech processing (White et al (6408272), abstract, Fig. 4, col. 17 line 63 – col. 18 line 18). Shwe et al (6560590) teaches choosing a subset of a grammar based on processor load (col. 4 lines 54-59). However, nowhere does Dragosh or White disclose transferring speech recognition processes to a remote server in cases where the local device can process the grammar. In fact, Dragosh and White explicitly recite systems and methods that only move processes to remote systems in cases where the local processing power is insufficient. Dragosh, White, or Shwe fail to disclose

Art Unit: 2626

making such a decision based on a total latency associated with using a remote resource, which includes network connection speed. Furthermore, Shwe nowhere discloses, suggests, or renders obvious the step of processing speech remotely even if the local resources are sufficient. As such, Dragosh, White, and Shwe all fail to disclose or suggest balancing preferred processing location versus feedback requirements to preferably offload grammar processing not requiring real-time feedback, even if such grammar processing can be efficiently handled by the local resources. Furthermore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of the prior art of record to obtain the recited claim limitations of the independent claims as noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MICHAEL OPSASNICK
PRIMARY EXAMINER

Michael Opsasnick
mno

AU2626

12/05/07